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FILED

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U.S. MAGISTRATE JUDGE

BY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERALDO NEFTALI GOMEZ-JACOBO,
aka "Jose Nehemias Gomez-Rivera,"

Defendant.

Case No. 2:25-MJ- 327 -MDC

CRIMINAL COMPLAINT
for violation of Deported Alien
Found in the United States
(8 U.S.C. § 1326(a) and (b))

BEFORE the Honorable Maximiliano D. Couvillier, III, United States Magistrate
Judge, Las Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and
states:

COUNT ONE

Deported Alien Found in the United States
(8 U.S.C. § 1326(a) and (b))

On or about March 12, 2025, in the State and Federal District of Nevada,

HERALDO NEFTALI GOMEZ-JACOBO,
aka "Jose Nehemias Gomez-Rivera,"

defendant herein, an alien, was found in the United States after having been deported and
removed therefrom on or about October 15, 2003, having reentered and remained in the

1 United States, and not having obtained the express consent of the Attorney General of the
2 United States or the Secretary of Homeland Security to reapply for admission to the United
3 States, in violation of 8 U.S.C. § 1326(a) and (b).

4 **PROBABLE CAUSE**

5 I, Raymond Thayer, state the following as and for probable cause.

6 1. I have been employed with the United States Department of Homeland
7 Security (“DHS”), Immigration and Customs Enforcement (“ICE”), as an Immigration
8 Enforcement Agent and Deportation Officer (“DO”) since February 2007. I am currently
9 assigned as a DO to the Las Vegas Office’s Enforcement and Removal Operations
10 Criminal Prosecution’s Section. In this capacity, I investigate and process a range of
11 immigration related offenses mainly focusing on obtaining federal prosecutions and
12 indictments for violent criminal aliens, such as violations of 8 U.S.C. §§ 1325 and 1326.

13 2. This Affidavit is made in support of a criminal complaint against
14 HERALDO NEFTALI GOMEZ-JACOBO (“Defendant”), also known as Jose Nehemias
15 Gomez-Rivera, for a violation of 8 U.S.C. § 1326(a) and (b), Deported Alien Found in the
16 United States. The information contained in this Affidavit is based on my own personal
17 investigation and information communicated to me by other law enforcement officers with
18 personal knowledge of facts relevant to this investigation. The Affidavit is intended only to
19 show that there is probable cause for the requested complaint and does not purport to set
20 forth all of my knowledge of, or investigation into, this matter.

21 3. On March 12, 2025, ICE encountered, identified, and apprehended
22 Defendant in Las Vegas, Nevada. Because ICE records indicated Defendant is a citizen and
23 national of El Salvador, by virtue of birth, who was previously removed from the United
24 States and because Defendant was not in possession of valid immigration documents

1 allowing him to be present or remain in the United States, ICE took Defendant into
2 administrative custody.

3 4. On March 12, 2025, ICE remanded Defendant to the custody of Nevada
4 Parole and Probation based on active Bench Warrant for Probation Violation. ICE sent a
5 DHS Form I-247A, Immigration Detainer to the Clark County Detention Center (CCDC).
6 On April 3, 2025, CCDC remanded Defendant to ICE custody Las Vegas, Nevada.

7 5. On or about April 3, 2025, I reviewed printouts from the Federal Bureau of
8 Investigation ("FBI") relating to Defendant. Based on my training and experience, I know
9 that the FBI databases contain records of arrests and convictions of individuals, based on
10 an individual's FBI number. I also know that an FBI number is assigned based on unique
11 fingerprint characteristics, and that police departments routinely fingerprint each person
12 who is booked into custody for identification purposes and inclusion into criminal history
13 databases.

14 6. A query of Defendant's automated criminal history confirmed that he had
15 been convicted of the following felony prior to his most recent removal, which subjects him
16 to the heightened penalty provisions of 8 U.S.C. § 1326(b): on or about January 10, 2003,
17 Defendant was convicted of four counts, Attempt Lewdness with A Child Under the Age of
18 14, in violation of Nevada Revised Statutes 193.330, 201.230, in the Eighth Judicial District
19 Court, Clark County, Nevada, Case No. C178127.

20 7. On or about April 3, 2025, I obtained the DHS Administrative File ("A-File")
21 for the subject assigned Alien Registration Number 041 625 913, whose name of record is
22 "Heraldo Neftali Gomez-Jacobo" (hereinafter, the "Gomez-Jacobo A-File"). Based on my
23 training and experience, I know that a DHS A-File is a file maintained by DHS in which
24 immigration records are maintained for an alien admitted to, or found in, the United States.

1 I also know that a DHS A-File usually contains photographs, fingerprints, court records of
2 conviction, and all records relating to deportation or other actions by DHS – or its
3 predecessor, the Immigration and Naturalization Service (“INS”) – with respect to the
4 subject alien for whom the DHS A-File is maintained. As discussed in more detail below,
5 my review of the Gomez-Jacobo A-File confirmed that this A-File corresponds with
6 Defendant.

7 8. The Gomez-Jacobo A-File contained the following documents and
8 information, among other things, regarding Defendant’s immigration status:

9 a. Executed Warrant of Removal/Deportation (ICE Forms I-205)
10 indicating that Defendant was officially removed and deported from the United States to El
11 Salvador on or about October 15, 2003. I know from my training and experience that a
12 Warrant of Removal/Deportation (ICE Form I-205) is executed each time a subject alien is
13 removed from the United States by ICE (and in the past by its predecessor agency, the INS)
14 and usually contains the subject’s photograph, signature, and/or fingerprints. The executed
15 Warrant of Removal/Deportation (ICE Form I-205) referenced above that I found in the
16 Gomez-Jacobo A-File contains Defendant’s photograph, signature, and fingerprints.

17 b. A Record of Deportable / Inadmissible Alien (Forms I-213) dated
18 August 21, 2003, and March 12, 2025, which state that Defendant is a native and citizen of
19 El Salvador.

20 c. Defendant’s El Salvadorian Passport which expires on February 20,
21 2030.

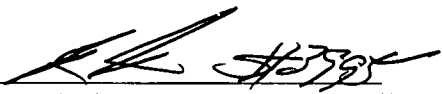
22 9. On or about April 3, 2025, I reviewed certain printouts of ICE computer
23 indices contained in the Gomez-Jacobo A-File. Based on my training and experience, I
24 know that ICE computer indices track and document each time an alien has been deported

1 from the United States by ICE (or previously by the INS) or was granted permission to enter
2 or re-enter the United States. The ICE computer indices confirmed that Defendant had been
3 removed and deported on or about the dates indicated on the Warrant of
4 Removal/Deportation (ICE Form I-205) found in the Gomez-Jacobo A-File.

5 10. Based on my review of the Gomez-Jacobo A-File, I determined that it does
6 not contain any record of him ever having received permission from the Attorney General
7 or his designated successor, the Secretary of Homeland Security, to legally re-enter the
8 United States. Based on my training and experience, I know that such documentation is
9 required to re-enter the United States legally after deportation and that, if such
10 documentation existed, it would ordinarily be found in the Gomez-Jacobo A-File.

11 11. Based on my training, experience, and review of the contents of the Gomez-
12 Jacobo A-File, in particular the Warrant of Removal/Deportation, which indicates that
13 Defendant had been deported to El Salvador, I determined that Defendant is an alien – that
14 is, a citizen of El Salvador.

15 12. Based on the above, I believe there is probable cause that HERALDO
16 NEFTALI GOMEZ-JACOBO did violate 8 U.S.C. § 1326(a) and (b) (Deported Alien
17 Found in United States).

18 
19 Raymond Thayer, Deportation Officer
20 Immigration and Customs Enforcement

21 Sworn and subscribed before me on this 18th day of April 2025.

22 
23 HON. MAXIMILIANO D. COUVILLIER, III
24 UNITED STATES MAGISTRATE JUDGE